



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,815	08/18/2003	Oliver Dittmar	600.1280	4785
23280 7590 01/07/2008 Davidson, Davidson & Kappel, LLC 485 17th Avenue 14th Floor New York, NY 10018			EXAMINER DARNO, PATRICK A	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/643,815

Applicant(s)

DITTMAR ET AL.

Examiner

Patrick A. Darno

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8, and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. No new claims have been added. Claims 4, 7, and 9 are cancelled. Claims 1 and 12 have been amended. Claims 1-3, 5-6, 8, and 10-12 are pending in this office action.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,983,232 issued to Tuan Nguyen et al. (hereinafter "Nguyen") in further view of U.S. Patent Application Publication Number 2001/0034592 issued to Peter Q. Herman (hereinafter "Herman").

#### **Claim 1:**

Nguyen discloses a method for simulating process flows and for displaying the result calculated in the simulated process flows and/or intermediate results, comprising the steps of:

inputting or selecting at least one order data set via a user interface of a computer (Nguyen: column 2, lines 51-58 and column 3, lines 14-18 and column 2, lines 34-39; Note that there are "acceptance test" conditions and measurements of throughput and yield. The acceptance test is the order data set. And the measure of throughput and yield is the result of how the configured process flow responds to the input test conditions. Also note column 3, lines 17-18, "values may be read into the template". This is inputting an order data set (which is actual test data) into a process data set. This creates a link as described below.);

selecting process data sets representing machines via a graphical user interface, the process data sets representing the machines being stored in a library (Nguyen: column 5, lines 52-61 and column 11, lines 12-19; The Designer Elements (also referred to as designer objects) are the process data sets. This is because the Designer Elements are stored models of actual machines. So by selecting a particular Designer Element, you select a particular machine. This is exactly the applicant's definition of process data sets presented in applicant's specification paragraph [0011], lines 1-7.);

distributing the at least one order data set among the selected process data sets (Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 3, lines 14-18; Note that Nguyen: column 2, lines 34-39 recites, "The customer benefit tool according to the **present invention can be used to accurately represent production reality because, in one embodiment, it can handle distributed inputs and events** by using a dynamic model based on discrete event simulation." The distributed inputs and events or acceptance test are the ordered data sets.);

calculating links between the order data set and the process data sets as a function of the order data set and the process data sets (Nguyen: column 3, lines 14-18; The calculating of links according to the Applicant is simply the process data (or machine device or design object) interacting with the input order data set (or print job or "acceptance test") allowing for a simulation based on the two sets of data to occur. This definition is found in the Applicant's specification in paragraph [0009], lines 1-4. This is what occurs in the Nguyen reference at column 3, lines 17-18 when it states "values may be read into the template to create the simulation object". So prior to the actual simulation, there is the device objects (process data) and input values (order data set or "acceptance test") and after they are both combined, the result is a linkage that allows the simulation to occur.);

creating a process flow from the calculated links (Nguyen: column 8, lines 63 – column 9, line 4 and column 9, lines 23-27; Note that the simulation objects are built in here and in column 3, lines 14-18. These simulation objects are built as described above as a result of linking the process data and the order data. The simulation is then created from the simulation objects. The simulations carried out in the Nguyen reference are of assembly lines (process flow) of machine objects (column 11, lines 12-24). The simulation of the assembly line objects (process flow) cannot be carried out without first creating the simulation objects (links between process data and order data). Therefore the process flow (assembly line simulation) is in fact created from the calculated links (simulation objects).);

calculating results or intermediate results for the process flow using the order data set (Nguyen: column 3, lines 4-20; After the simulator runs the order data set (“values read into the template (process data or design objects)), performance results from the simulations are sent to the reporting means.); and

outputting the results or intermediate results on a display of the computer (Nguyen: column 3, lines 22-25 and column 9, lines 28-43).

The process flow simulation method set forth by Nguyen discloses configuring objects that represent assembly line (process flow) equipment to model tasks such as processes using electrical components, manufacturing processes, and other assembly processes using parameters characterizing the operation of the given object or process (Nguyen: column 2, line 59 - column 3, line 11 and column 5, lines 45-46; Note specifically that in these two references Nguyen suggests using the simulation of process flows with respect to different types of objects (machinery) and different types of assembly and manufacturing processes.). Furthermore, the simulation method set forth by Nguyen uses this assembly line simulation to reduce the time and costs involved with the production of an

assembly line (*Nguyen: column 15, line 63 – column 16, lines 17*). However, Nguyen does not explicitly disclose:

wherein the order data set represents a print job; and

wherein the simulation method to reduce time and costs is in the graphics industry.

Herman also discloses a simulation method designed to save the time and cost incurred from using actual machinery (*Herman: paragraph [0006], lines 4-9*). Furthermore, Herman discloses wherein the order data set represents a print job (*Herman: paragraph [0050], lines 1-4; An order data set as defined in applicants specification is simply a stored print job that can be used as an input to a simulation. This is exactly what is disclosed in the Herman reference cited above.*); wherein the process data set represents a machine (*Herman: paragraph [0052], lines 1-5; This reference cites allowing the user to select a type of printing press. Clearly a printing press is a machine.*); and wherein the simulation method is in the graphics industry (*Herman: entire abstract and paragraph [0006]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nguyen with the teachings of Herman noted above for the purpose of creating a simulation method designed to reduce the time and cost incurred using actual machinery (*Herman: paragraph [0006], lines 4-9*). The skilled artisan would have been motivated to improve the teachings of Nguyen per the above in order to create a computer model using printing presses to simulate a printing process without incurring the time and expense of using an actual printing press (*Herman: paragraph [0006], lines 1-9 and Nguyen: column 16, lines 16-17*).

**Claim 2:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above, and Nguyen further discloses wherein the calculating of the links between the order data

set and the process data set includes an evaluation method, the evaluation method including making a query as to which process data set is capable of processing an input or selected order data set of the at least one process data set so as to define positively queried process data sets (*Nguyen: column 8, line 63-column 9, line 1; The process data sets (designer objects) are queried from the spreadsheet.*); writing the positively queried process data sets to a resource table (*Nguyen: column 9, lines 1-2; The data returned from the spreadsheet is placed in the Transfer File.*); establishing ranking of the positively queried process data sets as a function of the process flow data and the order data set; selecting the process data set with a highest ranking; and assigning the process data set with the highest ranking to the selected order data set (*Nguyen: column 9, lines 1-4; The process data extracted from the spreadsheet and place in the resource table (transfer file) in order to create the simulation objects. The simulation objects, as noted above, are the result of a link between the process data set and the order data set.*).

**Claim 3:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above, and Nguyen further discloses wherein the calculating of the links between order data set and process data set includes a further method, the further method including sequentially assigning one of the order data sets of the at least on order data sets to one or more of the process data sets; comparing the order data sets and the assigned process data sets to each other; and in each case creating a best linkage as a function of the order data set (*Nguyen: column 3, lines 4-8 and column 8, lines 63-column 9, line 4*).

**Claim 5:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above, and Herman further discloses wherein the process data set contains performance

specifications or operating costs of a device of the graphics industry needed for the process flow (*Herman: paragraph [0052], lines 1-5 and paragraph [0053], lines 10-12 and Figs. 17 and paragraph [0058] and Fig. 20; The first reference shows that the process data set selected is actually a printing press (which is a device in the graphics industry). The second reference deals with the adjusting of settings of the printing press (process data set). Since the settings can be adjusted, there must be a default setting. And these default settings are performance specifications and operating costs dealing with the printing press.*).

**Claim 6:**

The combination of Nguyen and Herman discloses all the elements of claim 5, as noted above, and Herman further discloses wherein the device is a printing press or a prepress device (*Herman: paragraph [0052], lines 1-5; This reference cites allowing the user to select a type of printing press.*).

**Claim 8:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above. Nguyen does not explicitly disclose wherein prior to inputting and/or selecting steps, access to the at least one order data set stored in a library is provided. However, Herman further discloses wherein prior to inputting or selecting steps, access to the at least one order data set stored in a library is provided (*Herman: paragraph [0044], lines 15-25 and Fig. 20 and Fig. 9, 96 and Fig. 25; The stored order data sets (print jobs or "libraries of print images and production problems") can be accessed (viewed) prior to selecting which one will be used for the actual simulation.*).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the further teachings of Herman noted above for the purpose of allowing a user to view stored print jobs that could be used in a simulation (*Herman: paragraph [0044], lines 15-19; The training exercises are previously stored print jobs (see*



paragraphs [0050]-[0051]). And the training exercises are made available through the user interface shown in Fig. 20.). The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that print jobs that had caused problems when executed with an old printing press configuration could easily be executed again with a new printing press configuration allowing the user to figure out how to correct the problem (*Herman: paragraph [0044], lines 15-19*).

**Claim 10:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above, and Herman further discloses wherein the order data sets can be selected and called up from a library on a display device with the aid of a graphical user interface (*Herman: paragraph [0044], lines 15-25 and Fig. 20 and Fig. 9, 96 and Fig. 25; The stored order data sets (print jobs or "libraries of print images and production problems") can be called up (viewed) and selected with the aid of the graphical user interfaces shown in the cited figures above.*).

**Claim 12:**

Nguyen discloses a device for simulating process flows and for displaying the result calculated in the simulated process flows or intermediate results on a display device, comprising:

at least one user interface for inputting or selecting at least one order data set (*Nguyen: column 2, lines 51-58 and abstract and column 3, lines 14-18 and column 2, lines 34-39; Note that there are "acceptance test" conditions and measurements of throughput and yield. The acceptance test is the order data set. And the measure of throughput and yield is the result of how the configured process flow responds to the input test conditions. Also note lines 17-18, "values may be read into the template". This is inputting an order data set (which is actual test data) into a process data set. This creates a link as described below.*);

at least one graphical user interface for selecting process data sets representing machines (Nguyen: column 5, lines 52-61 and column 11, lines 12-19; The Designer Elements (also referred to as designer objects) are the process data sets. This is because the Designer Elements are stored models of actual machines. So by selecting a particular Designer Element, you select a particular machine. This is exactly the applicant's definition of process data sets presented in applicant's specification paragraph [0011], lines 1-7.);

at least one computer for distributing the at least one order data set among the selected process data sets (Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 3, lines 14-18; Note that Nguyen: column 2, lines 34-39 recites, "The customer benefit tool according to the **present invention can be used to accurately represent production reality because, in one embodiment, it can handle distributed inputs and events** by using a dynamic model based on discrete event simulation." The distributed inputs and events or acceptance test are the ordered data sets.) and for calculating links between order data set and process data set as a function of the order data set and the process data sets (Nguyen: column 3, lines 14-18; The calculating of links according to the applicant is simply the process data (or machine device or design object) interacting with the input order data set (or print job or "acceptance test" or "values read into template") allowing for a simulation based on the two sets of data to occur. This definition is found in the applicant's specification in paragraph [0009], lines 1-4. This is what occurs in the Nguyen reference specifically on line 17-18 when it states "values may be read into the template to create the simulation object. So prior to the actual simulation, there is the device objects (process data) and input values (order data set or "acceptance test") and after they are both combined, the result is a linkage that allows the simulation to occur.);

the computer for creating a process flow from the calculated links (Nguyen: column 8, lines 63 – column 9, line 4 and column 9, lines 23-27; Note that the simulation objects are built in here and in column 3, lines 14-18. These simulation objects are built as described above as a result of linking the process data and the

*order data. The simulation is then created from the simulation objects. The simulations carried out in the Nguyen reference are of assembly lines (process flow) of machine objects (column 11, lines 12-24). The simulation of the assembly line objects (process flow) cannot be carried out without first creating the simulation objects (links between process data and order data). Therefore the process flow (assembly line simulation) is in fact created from the calculated links (simulation objects).);*

*the computer for calculating the result or intermediate results for the process flow using the order data set (Nguyen: column 3, lines 4-20; After the simulator runs the order data set ("values read into the template (process data or design objects)), performance results from the simulations are sent to the reporting means.); and*

*a display for displaying the results or intermediate results (Nguyen: column 3, lines 22-25 and column 9, lines 28-43).*

The process flow simulation device set forth by Nguyen discloses configuring objects that represent assembly line (process flow) equipment to model tasks such as processes using electrical components, manufacturing processes, and other assembly processes using parameters characterizing the operation of the given object or process (Nguyen: column 2, line 59 - column 3, line 11 and column 5, lines 45-46; Note specifically that in these two references Nguyen suggests using the simulation of process flows with respect to different types of objects (machinery) and different types of assembly and manufacturing processes.). Furthermore, the simulation method set forth by Nguyen uses this assembly line simulation to reduce the time and costs involved with the production of an assembly line (Nguyen: column 15, line 63 – column 16, lines 17). However, Nguyen does not explicitly disclose:

*wherein the order data set represents a print job; and*

wherein the simulation method to reduce time and costs is in the graphics industry.

Herman also discloses a simulation method designed to save the time and cost incurred from using actual machinery (*Herman: paragraph [0006], lines 4-9*). Furthermore, Herman discloses wherein the order data set represents a print job (*Herman: paragraph [0050], lines 1-4; An order data set as defined in applicants specification is simply a stored print job that can be used as an input to a simulation. This is exactly what is disclosed in the Herman reference cited above.*); wherein the process data set represents a machine (*Herman: paragraph [0052], lines 1-5; This reference cites allowing the user to select a type of printing press. Clearly a printing press is a machine.*); and wherein the simulation method wherein the simulation method is in the graphics industry (*Herman: entire abstract and paragraph [0006]*).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Nguyen with the teachings of Herman noted above for the purpose of creating a simulation device designed to reduce the time and cost incurred using actual machinery (*Herman: paragraph [0006], lines 4-9*). The skilled artisan would have been motivated to improve the teachings of Nguyen per the above in order to create a computer model using printing presses to simulate a printing process without incurring the time and expense of using an actual printing press (*Herman: paragraph [0006], lines 1-9 and Nguyen: column 16, lines 16-17*).

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Herman and further in view of U.S. Patent Application Publication Number 2003/0018542 issued to Hiroyuki Nakano et al. (hereinafter "Nakano").

**Claim 11:**

The combination of Nguyen and Herman discloses all the elements of claim 1, as noted above, but does explicitly disclose wherein the process data sets contain dimensions associated

with graphics industry devices or the dimensions associated with the devices are displayed on a display device. However, Nakano discloses wherein the process data sets contain dimensions associated with graphics industry devices or the dimensions associated with the devices are displayed on a display device (*Nakano: paragraph [0025] and Fig. 2; The specification database stores the dimensions of machines in a data set.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Nakano noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the detailed specifications of a machine could help a customer decide whether or not to purchase the machine (*Nakano: abstract; The customer consults the specification of a machine before purchase and the specification includes the size of the machine. Using the size of the machine, the customer can determine if the machine (printing press) would fit in a desired place. If there is enough space, the customer would purchase the machine, if there is not enough space, the customer doesn't purchase the machine.*).

### ***Response to Arguments***

#### **Applicant Argues:**

Nguyen et al. fails to teach or show "distributing the at least one order data set among the selected process data sets; calculating links between the order data set and the process data sets as a function of the order data set and the process data sets; creating a process flow from the calculated links" as recited in claim 1.

Such an assembly line does not require the distribution of jobs among the machines because every job passes every station in such an electronic assembly line one after another. Therefore in Nguyen et al., an assembly line is modeled as one complete system and no distribution between several systems is disclosed as even envisioned.

**Examiner Responds:**

Examiner is not persuaded. Nguyen discloses "distributing the at least one order data set among the selected process data sets (Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 3, lines 14-18; Note that Nguyen: column 2, lines 34-39 recites, "The customer benefit tool according to the present invention can be used to accurately represent production reality because, in one embodiment, it can handle distributed inputs and events by using a dynamic model based on discrete event simulation." The distributed inputs and events or acceptance test are the ordered data sets.); calculating links between the order data set and the process data sets as a function of the order data set and the process data sets (Nguyen: column 3, lines 14-18; The calculating of links according to the Applicant is simply the process data (or machine device or design object) interacting with the input order data set (or print job or "acceptance test") allowing for a simulation based on the two sets of data to occur. This definition is found in the Applicant's specification in paragraph [0009], lines 1-4. This is what occurs in the Nguyen reference at column 3, lines 17-18 when it states "values may be read into the template to create the simulation object". So prior to the actual simulation, there is the device objects (process data) and input values (order data set or "acceptance test") and after they are both combined, the result is a linkage that allows the simulation to occur.); and creating a process flow from the calculated links (Nguyen: column 8, lines 63 – column 9, line 4 and column 9, lines 23-27 and column 3, lines 14-18; The simulation objects are built as described above as a result of linking the process data and the order data. The simulation is then created from the simulation objects. The simulations carried out in the Nguyen reference are of assembly lines (process flow) of machine objects (column 11, lines 12-24). The simulation of the assembly line objects (process flow) cannot be carried out without first creating the simulation objects (links between process data and order data). Therefore the process flow (assembly line simulation) is in fact created from the calculated links (simulation objects).)" as recited in claim 1.

Immediately above, the Examiner has clearly shown the specific portions of the Nguyen reference which disclose the portions of the Applicant's claim which the Applicant argues are not disclosed by the prior art. Not only has the Examiner given the specific portions of the reference which is relevant, but also provided are comments and/or explanations that hopefully clarify why the Examiner asserts that the specific reference teaches each limitation.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the rejections under 35 U.S.C. 103(a) are sustained.

**Applicant Argues:**

Moreover, it is respectfully submitted that it would not have been obvious to have combined Herman and Nguyen et al. There is no motivation to substitute any Herman teachings for Nguyen et al. Herman and Nguyen et al. are in different industries and have different purposes; Herman is limited to a training of a simulation of one flexographic machine focusing on showing the correct operating for flexographic printing personnel and Nguyen et al. is for a sales/consulting demonstration (Herman Page 1, Paragraph [0005], line 7 and Nguyen et al. Col. 1, Lines 62 to 63).

**Examiner Respond:**

Examiner is not persuaded. The Applicant argues that the Herman and Nguyen references are in different industries and have different purposes. The Examiner respectfully disagrees.

Both Herman and Nguyen provide simulations of machinery. This is clear from the citations given above in the preceding office action. Furthermore, these simulations are run for the same purpose. The purpose of the simulations in both the Herman and Nguyen reference is to create a computer model which simulates a process without incurring the time and expense of using the actual machinery (*Herman: paragraph [0006], lines 1-9 and Nguyen: column 16, lines 16-17*).

Since Herman and Nguyen appear to be directed to the same problem (saving of time and expense of using actual machinery) and in the same general industry (computer simulation), it would have been obvious for one of ordinary skill in the art to combine the Nguyen and Herman references. The rejections given under 35 U.S.C. 103(a) are sustained.

Furthermore, the Applicant argues that there is no motivation found in the prior art to combine Nguyen and Herman. First, it is noted that the Examiner disagrees with this assertion of the Applicant's. The Examiner has clearly cited proper motivation found in the prior art to combine the Nguyen and Herman references in the preceding office action.

But assuming, for arguments sake, that no motivation was found in the prior art, that fact alone does not necessarily render the Applicant's claims patentable over the combination of Nguyen and Herman. This is because *KSR International Co. v. Teleflex Inc.* forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. Also see the recent Board decision Ex parte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App & Interf. June 25, 2007) (citing KSR, 82 USPQ2d at 1396)(available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>).

The rejections given under 35 U.S.C. 103(a) are sustained.

**Applicant Argues:**

Herman does not teach or show the simulation of how several printing presses work together.

**Examiner Responds:**

Examiner is not persuaded. The Herman reference is not cited as teaching or showing the simulation of several printing presses working together. The Nguyen reference was cited



for the purpose of simulating an assembly line comprising a plurality of machines working together. The Nguyen reference does not explicitly show wherein the machines being modeled are printing presses. However, the Herman reference shows wherein the machines being modeled are printing presses. Citations of where these teachings are found in the prior art are clearly laid out above and will not be regurgitated here.

The Examiner maintains that it would have been obvious to customize the machines disclosed in the Nguyen reference to simulate printing presses. The combination of Nguyen and Herman appears to disclose, or at least suggest, each and every element of the Applicant's claimed invention. Since each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the rejections under 35 U.S.C. 103(a) are sustained.

**Applicant Argues:**

Neither Nguyen et al. nor Herman, in their simulations, address the typical and specific problem of the distribution of print jobs among printing machines.

**Examiner Responds:**

Examiner is not persuaded. Nguyen discloses distributing at least one order data set among the selected processes data sets (*Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 3, lines 14-18; Note that Nguyen: column 2, lines 34-39*). Note specifically wherein Nguyen recites, "The customer benefit tool according to the present invention can be used to accurately represent production reality because, in one embodiment, it can handle distributed inputs and events by using a dynamic model based on discrete event simulation." The distributed inputs

and events or acceptance test are the ordered data sets. Since the invention taught by Nguyen is capable of receiving 'distributed inputs and events' (or distributed order data sets), surely the invention is capable of actually distributing inputs and events (order data sets), or at least it can be assumed that there are inputs and events (order data sets) that are expected to be distributed.

Finally, it is noted here and above that Nguyen does not explicitly disclose wherein the ordered data sets are print jobs and the process data sets are printing machines. However, Herman supplies these missing limitations. And, as noted above, the combination of Nguyen and Herman renders Applicant's claims unpatentable under 35 U.S.C. 103(a).

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the rejections under 35 U.S.C. 103(a) are sustained.

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Application/Control Number:  
10/643,815  
Art Unit: 2163

Page 18

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PAD

Patrick A. Darno.  
Examiner  
Art Unit 2163

